

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

JACOB ASSARAF,

Debtor.

=====X

tmd3574/mrm

November 8, 2018

09:30 AM

Case No. 818-75796-LAS

Hon. LOUIS A. SCARCELLA

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the within application, Marianne DeRosa, Chapter 13 Trustee will move this court before the Hon. Louis A. Scarcella, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 290 Federal Plaza, Room 963, Central Islip, New York, 11722, on November 8, 2018 at 09:30 AM or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) business days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York
October 22, 2018

/s/ Marianne DeRosa

MARIANNE DeROSA, TRUSTEE
125 JERICHO TURNPIKE; STE 105
JERICHO, NY 11753
(516) 622-1340

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APPLICATION

TO THE HONORABLE LOUIS A. SCARCELLA U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on August 27, 2018, and, thereafter, MARIANNE DEROSA was duly appointed and qualified as Trustee.

2. The Debtor has failed to comply with 11 U.S.C. §521(a)(1) and Bankruptcy Rule 1007(b) in that the following required documents have not been filed:

a. Statement of Monthly Income and Disposable Income pursuant to 11 U.S.C. §521(a)(1)(B)(v);

b. copies of all payment advices or other evidence of payment for last 60 days before the date of the filing of the petition by the Debtor from any employer of the Debtor pursuant to 11 U.S.C. §521(a)(1)(B)(iv).

3. Furthermore, the Debtor has failed to:

a. commence making Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. § 1326(a)(1); and

b. file a Chapter 13 Plan, pursuant to by 11 U.S.C §1321 and Fed. R. Bankr. P. 3015(b); and

c. provide the Trustee with a copy of a federal income tax return or transcript for the most recent year, 7 days before first meeting of creditors pursuant to 11 U.S.C. §521(e)(2)(A)(i); and

d. provide the Trustee with disclosure documentation as required by E.D.N.Y LBR 2003-1; and

e. appear and be examined at the Section 341 Meeting of Creditors as required by 11 U.S.C. §343.

4. The Debtor's failure to provide these items impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

5. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: Jericho, New York
October 22, 2018

s/Marianne DeRosa
Marianne DeRosa
Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X Case No: 818-75796-LAS

IN RE:

JACOB ASSARAF,

CERTIFICATE OF SERVICE
BY MAIL

Debtor.

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This is to certify that I, Matthew R. Matz, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

JACOB ASSARAF
115 MONROE STREET
LAWRENCE, NY 11559

This October 22, 2018

/s/Matthew R. Matz
Matthew R. Matz, Paralegal
Office of the Standing Chapter 13 Trustee
Marianne DeRosa, Esq.
125 Jericho Turnpike; Suite 105
Jericho, NY 11753
(516) 622-1340

CASE NO: 818-75796-LAS
Hon. LOUIS A. SCARCELLA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

JACOB ASSARAF,

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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MARIANNE DeROSA, TRUSTEE
125 JERICO TURNPIKE; SUITE 105
JERICO, NY 11753
(516) 622-1340